

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

LESLIE LAMBERTIS,)	CASE NO. 3:21-cv-0047
)	
Plaintiff,)	ACTION FOR DAMAGES
)	
v.)	JURY TRIAL DEMANDED
)	
STARFISH MARKET, CORPORATION,)	
)	
Defendants.)	

APPEARANCES:

Joseph Caines, Esq.

Law Offices of Joseph Caines, P.C.

St. Thomas, USVI

For Plaintiff Leslie Lambertis

Gregg R. Kronenberger, Esq.

Charles E. Lockwood, Esq.

Dudley Newman Feuerzeig, LLP

St. Croix, USVI

For Defendant Starfish Market, Corp.

ORDER

THIS MATTER comes before the Court on Defendant's motion to dismiss Counts II, III, IV, and V of the complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, filed on July 1, 2021.¹ (ECF No. 7.) For the reasons stated in the accompanying Memorandum Opinion of even date, it is hereby

ORDERED that Defendant's motions to dismiss for failure to state a claim, ECF Nos. 7 and 9, are **GRANTED**; it is further

ORDERED that Counts II, III, IV, and V of the Complaint are **DISMISSED WITHOUT PREJUDICE**; it is further

¹ Defendant Starfish Market filed a virtually identical "corrected" motion to dismiss on July 16, 2021, to correct the title of the motion. See ECF No. 9.

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ORDERED that Plaintiff shall be permitted leave to file an amended complaint in order to cure the deficiencies in the original complaint; it is further

ORDERED that Plaintiff shall, within twenty-one (21) days of date of entry of this Order, file an Amended Complaint. Failure to file an Amended Complaint shall result in the aforementioned counts being dismissed with prejudice; it is further

ORDERED that Defendant shall, within fourteen (14) days of service and filing of the Amended Complaint, file a responsive pleading.

DONE AND SO ORDERED.

Dated: March 30, 2022

/s/ Robert A. Molloy
ROBERT A. MOLLOY
Chief Judge